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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,386	09/26/2003	Takeharu Arakawa	031144	2736
23850	7590	06/20/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/670,386	Applicant(s) ARAKAWA, TAKEHARU	
	Examiner Brian J. Broadhead	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-16, and 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirono, 6246958.

3. As per claims 1, 2, 3, 4, 5, 6, 7, 20, 21, 22, 23, 24, 25, 26, 27, and 28, Hirono discloses an information acquiring section for acquiring information on lines 31-33, on column 4; an information processing section for associating the information acquired by the information acquiring section with acquisition condition information concerning the conditions for making the information acquiring section execute an information acquiring operation to acquire information on lines 34-41, on column 4; an acquisition possibility determining section for determining, based on the acquisition condition information, whether or not the acquiring operation can be executed; and a control section for controlling the information acquiring section, when it is determined by the acquisition possibility determining section that the acquiring operation can be executed, to execute the acquiring operation on lines 49-67, on column 6; an input section for setting and inputting an acquisition demand information for demanding execution of the acquiring operation in response to an input operation, wherein said control section provides controls for inhibiting the execution of the acquiring operation, when it is determined by

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the control section that the acquiring operation cannot be executed by the acquisition possibility determining section, even if the control section recognizes an input for setting the acquisition demand information in the input section on lines 27-29, on column 5; an acquisition possibility determining section for determining whether or not the information demanded from the acquisition demand information and the information acquired by the information acquiring section are identical to each other, and for determining, when the two pieces of information are not identical to each other, that the acquiring operation can be executed on lines 49-67, on column 6; said acquisition condition information relates to the conditions for executing the acquiring operation at a timing when the information not identical to the information previously acquired can be acquired on lines 40-46, on column 2; an input section for setting and inputting an acquisition demand information to demand an acquiring operation to make the information acquisition section acquire information with a specified content in response to an input operation, wherein the acquisition condition information is the content information concerning a content of said information; and the acquisition possibility determining section determines that the acquiring operation can be executed when it is determined by comparing contents of the acquisition demand information set and inputted in the input section to those of said acquisition condition information that the two pieces of information are not identical to each other on lines 20-29, on column 2;

4. As per claims 11, 12, and 13, Hirono discloses acquiring information through communications (46).

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5. As per claims 14, 15, and 16, Hirono discloses a guidance reporting section for reporting a guidance in response to the moving state of a movable body, wherein said information is information concerning movement of the movable body on lines 34-38, on column 4.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 9, 17, 18, 19, 29, 30, and 31 though 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirono, 6246958, in view of Kondou et al., 6073075.

8. Hirono discloses the limitations as set forth above. Hirono does not disclose said acquisition possibility determining section determines that an acquiring operation can be executed when it recognizes, by comparing the time information concerning the current point of time to said acquisition condition information, that the current point of time has reached the time indicated by the acquisition condition information; a time acquiring section; and different types of updateable information. Kondou et al. teaches said acquisition possibility determining section determines that an acquiring operation can be executed when it recognizes, by comparing the time information concerning the current point of time to said acquisition condition information, that the current point of time has reached the time indicated by the acquisition condition information on lines 45-54, on column 8; a time acquiring section is inherent since the invention compares a current

time; and different types of updateable information on lines 30-43, on column 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kondou et al. in the invention of Hirono because such modification would provide a user of a mobile terminal proper information on a real time basis as stated on lines 59-62, on column 1, of Kondou et al.

Response to Arguments

9. Applicant's arguments filed 3-21-05 have been fully considered but they are not persuasive. Applicant's arguments are more directed towards the differences between his specification and the cited prior art than the differences between what is claim and the cited prior art. Applicant has pointed out how his disclosed invention uses information associated with map information at a portable device to determine whether or not to even communicate to a central update source to get updated information, while the cited prior art requires some communication with the central update source to determine whether or not to get updated information. But this difference is not made clearly in the claim language.

10. Applicant also argues that Hirano doesn't use time information concerning the current date and time on page 21, of the remarks accompanying the amendment. Hirano was not cited in the rejection for using time information concerning the current date and time.

11. Applicant's amendment adding the limitation of acquiring the information "in accordance with the type of the information" has also failed to overcome the cite prior

art. This limitation doesn't really add to the claim since it is directed towards the actual act of acquiring the information. It is inherent that the cited prior art acquires information in accordance with the type of information. In this case, since the prior art is acquiring digital map data it will have a communication system capable of downloading digital map data. Having "the conditions" for acquiring the information being set in accordance with the type of the information might be what Applicant was trying to claim, but that is not how the claim currently reads.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJB

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Thomas G. Black
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